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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hirofumi Koda

47487-0005-00 (231905)

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55694 7590 06/02/2009
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EXAMINER

FLOOD, MICHELE C

ART UNIT

PAPER NUMBER

1655

MAIL DATE

DELIVERY MODE

06/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10594905	8/1/07	KODA ET AL.	47487-0005-00 (231905)

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EXAMINER

Michele Flood

ART UNIT	PAPER
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1655	20090601
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Commissioner for Patents

Acknowledgment is made of the receipt and entry of the amendment filed on March 10, 2009 with the cancellation of Claims 1-5 and the addition of new Claims 6-13. However, the substantial amendment to the claims is considered non-responsive because the claims, as presently drafted, are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The subject matter of originally presented Claims 1-5 was drawn to a composition for improving peripheral blood flow comprising as an active ingredient, an extract of a plant of the genus *Lepidium* of the family Cruciferae, whereas newly submitted Claims are directed to a method of improving cutaneous peripheral blood flow comprising administering an extract of a plant of the *Lepidium* of the family Cruciferae, as an active ingredient, to a human subject in need thereof to improve cutaneous peripheral blood flow.

As the subject matter of newly submitted Claims 6-13 are drawn to a method of treatment instead of a composition, Claims 6-13 as presently drafted are drawn to subject matter outside of the scope of the claims as originally presented for prosecution on the merits.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 6-13 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is 571-272-0964. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michele Flood/
Primary Examiner, Art Unit 1655